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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 10/726,548 | 12/04/2003 | Kinya Kamiguchi | 03560.003414 | 5498 |
| 5514 | 7590 | 11/01/2005 | EXAMINER | |
| FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112 | | | COLON, GERMAN | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2879 | |

DATE MAILED: 11/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

H.A

| | | | |
|------------------------------|--------------------------------------|---|--|
| Office Action Summary | Application No. 10/726,548 | Applicant(s) KAMIGUCHI, KINYA | |
| | Examiner German Colón | Art Unit 2879 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 7-10 is/are rejected.
- 7) ☒ Claim(s) 6 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>3/10/04</u> . | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-4 and 7-10 are rejected under 35 U.S.C. 102(e) as being anticipated by Kawase (US 2003/0122472).

Regarding claim 1, Kawase discloses an anode terminal cover for covering an anode-electrode terminal of a display (see Fig. 7) comprising:

an insulating body **203**; and

a conductive contact portion **401** disposed in part of the insulating body so as to be in contact with the display during the mounting of the anode-terminal cover on the display.

Regarding claim 2, Kawase discloses the anode terminal cover being sucker-shaped (see Figs. 3A and 7), and the insulating body and the conductive contact portion being commonly made of an elastic material (see paragraph [0102]; and paragraph [0134], lines 1-2).

Regarding claim 3, Kawase discloses the cover including an insulating body and a conductive contact. The Examiner notes that the method of forming said cover, i.e. by color injection molding, is not germane to the issue of patentability of the device itself. Accordingly, this limitation has not been given patentable weight.

Regarding claim 4, Kawase discloses the anode terminal being sucker-shaped (see Figs. 3A and 7), and the insulating body being made of an elastic material (see paragraph [0102]) while the conductive contact portion is formed of a flexible conductive film (see at least paragraph [0134], lines 1-2).

Referring to claim 7, Kawase discloses a display comprising:

- an electron emission unit (see paragraph [0020]);
- an anode electrode, to which an electric potential for accelerating an electron emitted by the electron emission unit is applied;
- an anode-electrode terminal **104** for feeding the electric potential to the display; and
- an anode-terminal cover according to claim 1.

Referring to claims 8-9, Kawase discloses the conductive portion **401** of the anode-terminal cover being defined to have a contact electric potential, said potential being ground, in a state that the conductive contact portion is in contact with the display (see Fig. 7).

Referring to claim 10, Kawase discloses the conductive contact portion of the anode-terminal cover being in contact with an electrode provided in the display (see Fig. 7).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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4. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kawase (US 2003/0122472).

Kawase discloses the claimed invention wherein the conductive contact portion is flexible, but is silent regarding said contact portion being made of a conductive paste. However, it has been held to be within the general skill of an artisan to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. Thus, it would have been obvious to one having ordinary skills in the art at the time the invention was made to have provide the flexible contact portion of Kawase made of a conductive paste, since the selection of known materials for a known purpose is within the skill of the art.

Allowable Subject Matter

5. Claim 6 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

6. The following is a statement of reasons for the indication of allowable subject matter:

The references of the Prior Art of Record fail to teach or suggest the combination of the limitations as set forth in the claim, and specifically comprising the limitation of “the conductive contact portion being formed along the entire periphery of the internal surface of the anode-terminal cover”.

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Prior Art of Record

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Takahashi (US '255) and Kamiguchi (US '980) disclose an anode-terminal cover comprising an insulating material. JP 2000-195449 discloses a cover including a flexible conductive contact.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to German Colón whose telephone number is 571-272-2451. The examiner can normally be reached on Monday thru Thursday, from 8:30 to 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nimesh Patel can be reached on 571-272-2457. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AC
gc

K. Guharay
KARABI GUHARAY
PRIMARY EXAMINER